

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 24, 2014

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN SENATE MAY 6, 2013

AMENDED IN SENATE APRIL 11, 2013

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 633

Introduced by Senator Pavley

February 22, 2013

An act to amend Section 5080.16 of, to add Sections 530.5, 547, ~~5080.27, and 5080.43~~ 5010.8, and 5019.93 to, and to add and repeal Sections 5003.9 and 5080.22 of, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 633, as amended, Pavley. State parks.

(1) Existing law establishes the Department of Parks and Recreation and vests the department with the control of the state park system. Existing law authorizes the department to enter into concession contracts for the construction, maintenance, and convenience of the general public in the use and enjoyment of units of the state park system. *Existing law authorizes the department, whenever significant savings can be achieved by the department, to enter into a contract with specified entities regarding the collection of revenues for, and the operation of a reservation system for, the state park system.* Under its existing authority, the department has created regional park passes and other

passes that serve the needs of visitors interested in parks with a shared theme or within a region.

This bill would require the Department of Parks and Recreation, on or before July 1, 2015, to prepare a report to the Legislature that fully addresses the department's energy costs, projects that could reduce those costs, and potential energy-related infrastructure projects, as specified. The bill would require the department, until January 1, 2018, and from available appropriated funds, to establish a pilot program for mobile food and beverage ~~concessions~~ *services* in multiple units and in multiple locations, if feasible, and to assess and report on the suitability, increase in visitation, and visitor satisfaction regarding the program. The bill would also ~~require the department, on or before July 1, 2015, to establish guidelines for the sale of specified park passes to cooperating vendors for resale to the public.~~ *expressly authorize the department to engage in activities to increase the opportunities to sell park passes through vendors and would require the department, on or before July 1, 2016, to report to the Legislature on those activities.* The bill would require the department, on or before December 31, 2015 and from available appropriated funds, to establish a minimum of 2 additional regional passes available to park visitors for purchase.

(2) Existing law establishes the State Park and Recreation Commission and vests the commission with specified authorities regarding the operation and development of the state park system. Existing law requires the ~~Department of Motor Vehicle, in consultation with the Department of Parks and Recreation, to design and make available for issuance a special state parks environmental design license plate upon the payment of an additional fee. Existing law requires those additional fees, upon the appropriation of the Legislature, be used for the exclusive trust purposes of preservation and restoration of California state parks.~~ *Franchise Tax Board to revise the individual taxpayer return form to allow an individual to designate a contribution in excess of tax liability be made to the State Parks Protection Fund to be used for, among other purposes, the protection and preservation of state parks.*

This bill would require the commission's costs be reflected separately and displayed in the annual budget proposed by the Governor. The bill would require the commission to hold one or more public hearings to further ~~a~~ *the* public process that may be initiated by the Department of Parks and Recreation to select one or more annual projects to receive funding from ~~those additional fees.~~ *taxpayer contributions.* ~~The bill would require the commission and the department to create one or more~~

“projects of the year” to be funded by those contributions and to post information about the public selection process and the chosen projects on its Internet Web site.

(3) Existing law authorizes the Director of Parks and Recreation to negotiate or renegotiate a concession contract if specified conditions exist.

This bill would additionally authorize the director to negotiate or renegotiate a concession contract if the services provided pursuant to the contract will have minimal impact on state park resources, are inherently mobile or transitory in nature, and do not occupy a state-owned structure.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 ~~(a)~~

4 *(1) Recent legislation establishing a moratorium on closure of*
5 *state parks, a matching funds program to help keep state parks*
6 *open, increased outreach to the public through the use of creative*
7 *partnerships and other innovative tools, and other provisions have*
8 *helped stabilize the Department of Parks and Recreation and*
9 *broaden its financial base.*

10 ~~(b)~~

11 *(2) Ongoing efforts by the Parks Forward Commission, the State*
12 *Parks and Recreation Commission, and the Department of Parks*
13 *and Recreation to develop a more secure financial base for the*
14 *department through the increased use of pilot projects, the sale of*
15 *specialized or regional passes, and other internal reforms are*
16 *providing early signs of success that should be strengthened.*

17 ~~(c)~~

18 *(3) The directives in Sections ~~5080.22, 5080.27, and 5080.43~~*
19 *5010.8, 5019.93, and 5080.22 of the Public Resources Code added*
20 *by this act are based on existing authority of the Department of*
21 *Parks and Recreation.*

22 *(b) It is the intent of the Legislature that, in implementing*
23 *Section 5080.22 of the Public Resources Code, the Department of*
24 *Parks and Recreation not compete with existing concession*

1 *contracts that provide comparable food and beverage services to*
2 *the public.*

3 SEC. 2. Section 530.5 is added to the Public Resources Code,
4 to read:

5 530.5. (a) The Legislature finds and declares that the
6 commission's costs should be reflected separately in the annual
7 budget so that there is transparency as to those costs and the
8 capability to determine if the commission is adequately funded.

9 (b) The commission's costs shall be reflected separately in a
10 format approved by the Department of Finance and shall be
11 displayed in the annual budget proposed by the Governor.

12 SEC. 3. Section 547 is added to the Public Resources Code,
13 to read:

14 547. (a) It is the intent of the Legislature that the commission
15 and the Department of Parks and Recreation cooperate to increase
16 public support of, and involvement with, the department and to
17 generate greater tax-deductible contributions to the department
18 through ~~Section 5155 of the Vehicle~~ *18900.1 of the Revenue and*
19 *Taxation* Code by soliciting public input into how these
20 contributions are proposed to be spent. The commission and
21 department ~~should~~ *shall* create one or more "projects of the year"
22 to be funded by the public's tax-deductible contributions ~~based on~~
23 ~~a contributions.~~

24 (b) *Projects shall be selected through a process in which the*
25 *public helps decide which project or projects receive funding.*
26 *Projects may include, but are not limited to, the repair,*
27 *preservation, restoration, or rehabilitation of natural or cultural*
28 *resources. Projects may also include programs that facilitate*
29 *increased park visitation by underserved communities.*

30 ~~(b)~~

31 (c) The commission shall hold one or more public hearings to
32 further ~~a~~ *the* public process that may be initiated by the Department
33 of Parks and Recreation to select one or more annual projects to
34 receive revenue from the tax-deductible contributions from the
35 public generated pursuant to ~~Section 5161 of the Vehicle~~ *18900.1*
36 *of the Revenue and Taxation* Code.

37 (d) *The department shall post information about the public*
38 *selection process and the chosen projects on its Internet Web site.*

39 SEC. 4. Section 5003.9 is added to the Public Resources Code,
40 to read:

5003.9. (a) The Legislature finds and declares that the department should identify its energy costs, projects that could reduce those costs, and potential energy-related infrastructure projects that may be eligible for funding from revenues that may be generated pursuant to a market-based compliance mechanism that may be adopted by the State Air Resources Board pursuant to Part 5 (commencing with Section 38570) of Division 25.5 of the Health and Safety Code.

(b) (1) On or before July 1, 2015, the department shall prepare a report to the Legislature that fully addresses the matter described in subdivision (a).

(2) The report required pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2020.

SEC. 5. Section 5010.8 is added to the Public Resources Code, to read:

5010.8. (a) It is the intent of the Legislature to increase the department's opportunities to sell park passes through vendors pursuant to contracts entered into pursuant to Section 5010.1, whether for the entire system of state parks, day-use passes, or identified subsets of parks for which the department has approved regional or shared-theme park passes.

(b) The department may engage in activities to increase the opportunities to sell park passes through vendors pursuant to contracts entered into pursuant to Section 5010.1.

(c) (1) On or before July 1, 2016, the department shall report to the Legislature, pursuant to Section 9795 of the Government Code, on its activities to increase opportunities to sell park passes through vendors, including, but not limited to, documenting its efforts to inform potential vendors of this effort and the fiscal benefits to the department that were generated by these activities.

(2) Pursuant to Section 10231.5 of the Government Code, this subdivision shall become inoperative on July 1, 2020.

SEC. 6. Section 5019.93 is added to the Public Resources Code, to read:

5019.93. (a) (1) The Legislature finds and declares that regional passes in the Big Sur-Monterey Bay region, the Lake Tahoe region, the northern coastal beaches, or other appropriate

1 *regions may be determined by the department to be suitable for*
2 *the establishment of additional regional approaches for annual*
3 *passes.*

4 *(2) It is the intent of the Legislature that the department should*
5 *create regional park passes and other passes to serve the need of*
6 *visitors interested in state parks with a shared theme or within a*
7 *region and to simplify and facilitate fee collection from frequent*
8 *visitors to individual parks. The creation of the Surf Explorer*
9 *Vehicle Day Use annual pass, the Historian Passport Day Use*
10 *Admissions annual pass, and the California Park Experience*
11 *Vehicle Day Use annual pass may serve as useful models for future*
12 *passes for the regions described in paragraph (1).*

13 *(b) On or before December 31, 2015, the department shall, from*
14 *available appropriated funds, establish a minimum of two*
15 *additional regional park passes as described in subdivision (a)*
16 *that are available to park visitors for purchase through the*
17 *department's Internet Web site, park offices, or other designated*
18 *vendors.*

19 *SEC. 7. Section 5080.16 of the Public Resources Code is*
20 *amended to read:*

21 *5080.16. If the director determines that it is for the best interests*
22 *of the state, the director, upon giving notice to the State Park and*
23 *Recreation Commission, may negotiate or renegotiate a contract,*
24 *including terms and conditions, when one or more of the following*
25 *conditions exist:*

26 *(a) The bid process as prescribed in this article has failed to*
27 *produce a best responsible bidder.*

28 *(b) The negotiation or renegotiation would constitute an*
29 *extension of an existing contract obtained through the process*
30 *required by this article and the extended contract would provide*
31 *for substantial and additional concession facilities, which would*
32 *be constructed at the sole expense of the concessionaire and which*
33 *are set forth in the general plan for the unit and are needed to*
34 *accommodate existing or projected increased public usage.*

35 *(c) Lands in the state park system administered by the*
36 *department and lands under the legal control of the prospective*
37 *concessionaire are so situated that the concession is dependent*
38 *upon the use of those public and private lands for the physical or*
39 *economic success, or both, of the concession.*

1 (d) Whenever a concession is desired for particular interpretive
2 purposes in a unit of the state park system and the prospective
3 concessionaire possesses special knowledge, experience, skills, or
4 ability appropriate to the particular interpretive purposes.

5 (e) Whenever the concession has been severely and adversely
6 impacted through no fault of the concessionaire by an unanticipated
7 calamity, park closure, major construction, or other harmful event
8 or action.

9 (f) Whenever the estimated administrative costs for the bid
10 process exceed the projected annual net rental revenue to the state.

11 (g) *The services provided pursuant to the contract will have*
12 *minimal impacts on state park resources, are inherently mobile*
13 *or transitory in nature, and do not occupy a state-owned structure.*
14 *Those services may include, but are not limited to, mobile food*
15 *and beverage services.*

16 ~~SEC. 5.~~

17 SEC. 8. Section 5080.22 is added to the Public Resources Code,
18 to read:

19 5080.22. (a) The department shall, until January 1, 2018, and
20 from available appropriated funds, establish a pilot program for
21 mobile food and beverage ~~concessions~~ *services* in multiple units
22 and in multiple locations, if feasible, and to assess suitability,
23 increase in visitation, and visitor satisfaction. The program is not
24 subject to Section ~~5002.2~~. *5002.2 or any other provision of this*
25 *chapter.*

26 ~~(b) The pilot program may include concession agreements for~~
27 ~~two years or less as authorized by Section 5080.06 and may provide~~
28 ~~existing concessionaires a right of first refusal for those mobile~~
29 ~~food and beverage concessions.~~

30 ~~(c)~~

31 (b) On or before January 1, 2018, the department shall submit
32 to the Legislature, pursuant to Section 9795 of the Government
33 Code, a report on the results of the pilot program, including
34 information regarding improvements or other changes in revenue
35 generated by the department and participating units, sales volume,
36 visitation statistics, and any available information regarding visitor
37 satisfaction.

38 ~~(d)~~

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

SEC. 6. ~~Section 5080.27 is added to the Public Resources Code, to read:~~

~~5080.27. (a) (1) It is the intent of the Legislature to expand the department's capability to sell park passes through cooperating vendors, whether for the entire system of state parks, day use passes, or identified subsets of parks for which the department has approved regional or shared-theme park passes.~~

~~(2) It is further the intent of the Legislature that a model for this expansion can be found in subdivision (b) of Section 5091.20 that applies to Sno-park permits, which are sold on a consignment basis to vendors who do not have any financial risk associated with providing this service to the department and who are authorized to deduct a stipulated commission for each permit sold before remitting the proceeds of the sold permits to the department.~~

~~(b) On or before July 1, 2015, the department shall establish guidelines for the sale of state park passes identified in subdivision (a) to cooperating vendors for resale to the public.~~

SEC. 7. ~~Section 5080.43 is added to the Public Resources Code, to read:~~

~~5080.43. (a) (1) The Legislature finds and declares that regional passes in the Big Sur-Monterey Bay region, the Lake Tahoe region, the northern coastal beaches, or other appropriate regions may be determined by the department to be suitable for the establishment of additional regional approaches for annual passes.~~

~~(2) It is the intent of the Legislature that the department should continue to create regional park passes and other passes that could serve the need of visitors interested in state parks with a shared theme or within a region so that visitors could recreate in multiple parks for only one fee. The creation of the Surf Explorer Vehicle Day Use annual pass, the Historian Passport Day Use Admissions annual pass, and the California Park Experience Vehicle Day Use annual pass may serve as useful models for future passes for the regions described in paragraph (1).~~

~~(b) On or before December 31, 2015, the department shall, from available appropriated funds, establish a minimum of two additional regional park passes as described in subdivision (a) that~~

- 1 are available to park visitors for purchase through the department's
- 2 Internet Web site or other designated vendors.

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